

## **REMARKS**

### **Preliminary Remarks**

The Specification has been amended; claims 1 and 12-17 have been cancelled; claims 2-6 have been amended; and new claims 18-38 have been added. The associated claim fee of \$225 has been included to cover the 3 additional independent claims and the 11 additional dependent claims over the 3 independent claims and 20 dependent claims provided for by the base filing fee. Reconsideration of the application is respectfully requested.

### **Discussion of the Objections of Record**

The Specification is objected to because of the use of the term “quillon”, rather than indicating that such term is a trademark, “QUILLON”. The Specification has been amended to correct the use of the term QUILLON and to provide accompanying generic terminology. Consequently, it is requested that this objection be withdrawn.

### **Discussion of the Rejections of Record**

#### **35 U.S.C. § 112 Rejections**

Claims 1-11 are rejected as allegedly being indefinite. Specifically, claims 1-6 are rejected as allegedly being indefinite as the limitation “an effective amount” in these claims fails to state the function which is to be achieved and more than one effect can be implied from the specification or the relevant art. Further, claims 6-11 are rejected as allegedly being indefinite as the limitation “quillon” in these claims identifies the source of goods, and not the goods themselves.

Claims 2 and 3 have been rewritten to stand in independent form incorporating the limitations of claim 1, which has been cancelled, from which they previously

depended. As such, claims 2 and 3 do not annunciate the limitation “an effective amount”, nor has Claim 6 ever annunciated the limitation “an effective amount”. It is respectfully submitted that the amendments obviate the indefiniteness rejections of claims 1-5, while the rejection of claim 6 was improper. Therefore, withdrawal of these rejections of record is respectfully requested.

Claim 6 has been amended to replace “quillon” with “a stereatochromic chloride complex release coating”. It is respectfully submitted that this amendments obviates the indefiniteness rejections of claims 6-11, and thus, withdrawal of these rejections of record is respectfully requested.

### **35 U.S.C. § 102(b) Rejections**

Claims 1, 12, and 13 are rejected as allegedly being anticipated by U.S. Patent No. 4,092,456 to Newman et al (hereinafter “Newman et al.”). Specifically, it is alleged by the Office action that Newman et al. teaches in Example 1: a nylon polyamide as a pore forming material that meets the “puff base material” limitation; a mineral oil that meets the “transfer base material” limitation; and, a carbon black reference that meets the “pigment concentrate” limitation.

Claims 1, 12, and 13 have been cancelled. Thus, it is respectfully submitted that the cancellation of claims 1, 12, and 13 renders moot the anticipation rejection of these claims, and withdrawal of these rejections of record is respectfully requested.

### **35 U.S.C. § 103(a) Rejections**

Claims 1-5, 10, and 12-17 are rejected as allegedly being obvious over U.S. Patent No. 4,482,598 to Ishii et al (hereinafter “Ishii et al.”). Specifically, it is alleged by the Office action that “a polyvinyl chloride plastisol layer containing a foaming agent” taught by Ishii et al. meets the limitations of the puff base material and the blowing agent respectively. Further, it is alleged that the “vehicle comprising a plasticizer” taught by

Ishii et al. meets the limitations of the transfer base material, and that the “coloring agent of a dye” meets the limitations of the pigment concentrate. However, the Office action acknowledges that Ishii et al. does not “teach specific quantities of the plastisol ink, the blowing agent, the coloring agent of a pigment or the vehicle. Instead, it alleges Ishii et al. teaches implicit ranges, absent any reference to explicit authority for such an assertion, and opines that the claimed ranges would have been obvious to one of ordinary skill. Applicant respectfully disagrees.

M.P.E.P. § 2144.05 states, “[i]n the case where the claimed ranges “overlap or lie inside ranges **disclosed by the prior art**” a *prima facie* case of obviousness exists (emphasis added). *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). What is clear from this statement is that **some** ranges must be disclosed in the prior art relied upon. Simply stating that a number of components are mixed together does not disclose any constituent ranges. To further verify this point, M.P.E.P. § 2144.05 discusses how to overcome a *prima facie* case of obviousness of a range by showing “that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the **prior art range**.” *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990). It would seem counterintuitive to require an applicant to rebut a *prima facie* case of obviousness pertaining to a claimed range without first having a prior range from which to start.

It is respectfully submitted that the foregoing rejections with respect to claims 1 and 12-17 are now moot, as these claims have been cancelled by this amendment. As such, it is respectfully submitted that the rejections of claims 2-5 and 10 as allegedly being obvious in light of Ishii et al. are improper and the withdrawal of these rejections of record is respectfully requested.

Claims 6-9 and 11 are rejected as allegedly being obvious over U.S. Patent No. 4,482,598 to Ishii et al. in further view of U.S. Patent No. 4,689,102 to Prawdzik et al (hereinafter “Prawdzik et al.”). Specifically, it is alleged by the Office action that Ishii et

al. teaches a transfer sheet that includes the limitations of claims 6-9 and 11 when combined with Prawdzik et al. that discloses the use of QUILLON.

The Office action, however, has pointed to no teaching in the prior art that would motivate one of ordinary skill to combine the Ishii et al. with Prawdzik et al. The Office action acknowledges that Ishii et al. is devoid of any reference to the limitation of “QUILLON” or an equivalent reference to “a stearato-chromic chloride complex release coating”, nor includes any reference to a release coating utilizing “QUILLON”. In comparing the references cited in this ground of rejection, Ishii et al. is directed toward printing and forming raised images upon a substrate, while Prawdzik et al. is directed toward the fabrication of laminates. Each reference discloses utilizing pressure and temperature in conjunction with a press, however, these commonalities alone cannot give rise to a motivation to combine. Therefore, it is respectfully submitted that the rejection of claims 6-9 and 11 as allegedly being obvious in light of Ishii et al. in further view of Prawdzik et al. is improper and the withdrawal of these rejections of record is respectfully requested.

Claims 1, 5, 12-13, and 17 are rejected as allegedly being obvious over U.S. Patent No. 6,105,502 to Wagner et al. (hereinafter “Wagner et al.”). Specifically, it is alleged by the Office action that Wagner et al. teaches: a pigment colorant that meets the claim limitation of a “pigment concentrate; a polymeric binder material and plasticizer that meets the claim limitation of a “transfer base material”; an expanding agent that meets the claim limitation of a “blowing agent”; and, an expanded resin that meets the limitation of a “puff base material”.

It is respectfully submitted that the foregoing rejections with respect to claims 1, 12, 13, and 17 are now moot, as these claims have been cancelled by this amendment. Further, the rejection of claim 5 has been overcome as this claim has been amended to depend from claim 2 not rejected under this current ground. Thus, it is respectfully submitted that the cancellation of claims 1, 12, 13, and 17 and the amendment to claim 5

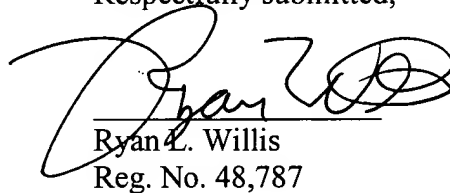
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render moot the obviousness rejections of these claims, and withdrawal of these rejections of record is respectfully requested.

In light of the foregoing, it is respectfully submitted that claims 2-11 and 18-38, now pending, are patentably distinct from the cited references and are in condition for allowance. Withdrawal of the rejections and objections of record is respectfully requested.

If Examiner Gilliam wishes to discuss any aspect of this amendment please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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